

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-27 are pending in the above-identified application. Claims 1, 4, 6, 7, 8-13, and 15-18 are amended; Claim 19 is canceled without prejudice or disclaimer; and Claims 20-27 are newly added. Support for the amendments to Claims 1, 7, 15 and 18 can be found in Fig. 3, at page 5, numbered paragraph [0034], and at pages 6-7, numbered paragraph [0040] of the specification, for example. Support for newly added Claims 20-24 can be found in Figs. 1 and 2, and in original Claim 10, for example. Support for newly added Claims 25-27 can be found in Figs. 6A2-6D2 and in numbered paragraphs [0040] – [0042], for example. Claims 4, 12, and 18 are placed in independent form, and Claims 6, 8-11, 13, 16, and 17 are amended to clarify dependencies. No new matter is added.

In the outstanding Office Action, Claims 11 and 16-19 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 1-3, 7, and 15 were rejected under 35 U.S.C. § 102(b) as anticipated by Brewer (U.S. Patent No. 1,930,948, hereafter, “Brewer”). Claim 15 was rejected under 35 U.S.C. § 102(b) as anticipated by Knight (U.S. Patent No. 6,409,376, hereafter, “Knight”). Claims 5, 6, 8, 9, 11, 13, 14, 16, 17, and 19 were rejected under 35 U.S.C. § 103(a) as obvious over Brewer. Claims 4, 12, and 18 were indicated as reciting allowable subject matter.

Applicant notes with appreciation the indication that Claims 4, 12, and 18 recite allowable subject matter. Applicant further notes that, while Claim 10 was listed as “rejected” in the Office Action Summary, Claim 10 was not specifically discussed in the Detailed Action. As it was not possible to address any specific rejection regarding Claim 10 in the present response, Applicant respectfully submits that the next Office Action may not properly be made final.

Regarding the rejection of Claims 11 and 16-19 under 35 U.S.C. § 112, second paragraph, Claim 11 and Claims 16, and 17 are amended to depend from independent Claims 24 and 15, respectively. Claim 18 is amended and is in independent form. Claim 19 is canceled and any rejection regarding this claim is moot. Therefore, Applicant believes the amendments fully address the issues noted in the outstanding Office Action regarding antecedent basis for the terms “discharge opening” and “first end.” Accordingly, Applicant respectfully submits that the rejection of Claims 11 and 16-18 under 35 U.S.C. § 112, second paragraph is overcome.

Regarding the rejection of Claim 1 as anticipated by Brewer, that rejection is respectfully traversed by the present response.

Amended Claim 1 recites, in part, “said container including: a floor, a wall... a discharge opening in said wall.”

In contrast, Brewer does not disclose a container having a wall with a discharge opening in it. Rather, Brewer describes a simple bowl without a discharge opening used for mixing food in a kitchen.¹ As shown in Fig 1-7, the bowl (10) has only 2 openings--one at the top for adding food to the bowl (10) and one at the top of tube (17) for allowing a spindle (18) to provide rotary motion to the agitator (23). Nowhere in Brewer is any other opening in the bowl (10) disclosed.

Aside from failing to disclose any discharge opening in a sidewall, Brewer explicitly teaches away from providing such an opening. See W. L. Gore & Associates, Inc., v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) requiring the prior art references to be considered in their entirety, including teachings leading away from the claimed invention. Brewer describes tube (17), which is shown integrally formed with the bottom of the bowl (10), as providing an opening for the spindle

¹ Brewer, col. 1, lines 8-13.

(18) attached to a clutch (19).² The tube (17) provides a leak-free, hollow protrusion through which the spindle (18) connects to the agitator (23) inside the bowl (10). Food is poured into and out of the bowl (10) only via the top opening.³ In describing the benefits of the tube (17),

Brewer states:

[t]he improved mixer is so designed that the agitator is detachably connected to a spindle which rotates within a tube extending upwardly from the bottom of the bowl. **By this construction no leakage can take place through the bottom of the bowl around the spindle and at the same time the agitator can be readily removed for pouring and cleaning purposes.**⁴

(emphasis added). Thus, Brewer specifically attempts to minimize the possibility of leakage from the bowl by eliminating any openings at or near the bottom of the bowl. Therefore, Brewer teaches away from adding a discharge opening as recited in amended Claim 1. Accordingly, Applicant respectfully submits that amended Claim 1 patentably distinguishes over the cited reference for at least the reasons discussed above.

As Claims 2 and 3 depend from amended Claim 1, Applicant respectfully submits that Claims 2 and 3 patentably distinguish over Brewer for at least the same reasons as amended Claim 1.

Regarding the rejection of Claims 7 as anticipated by Brewer, Applicant respectfully submits that as amended Claim 7 recites substantially similar features to those discussed above regarding amended Claim 1, Claim 7 patentably distinguishes over the cited reference for at least the same reasons as amended Claim 1.

Regarding the rejection of independent Claim 15 as anticipated by Brewer, Amended Claim 15 recites the feature of “a container for the reception of feed and configured to be pulled in a direction of travel.”

² Brewer, col. 2, lines 92-106.

³ Brewer, col. 2, line 110-col. 3, line 8.

⁴ Brewer, col. 1, lines 14-19.

In contrast, Brewer describes a stationary kitchen bowl (10). Applicants respectfully submit that the kitchen bowl (10) described in Brewer is in no way configured to be pulled in a direction of travel. As is clear from Figs. 1-4, the bowl (10) has a smooth, protrusion free exterior. The bowl (10) sits atop seat (12) which fits into a pocket created by base (11), and, therefore, cannot move along a direction of travel. Rather, the bowl (10) remains stationary while the spindle (14) turns inside the bowl (10). Accordingly, Applicants respectfully submit that amended Claim 15 patentably distinguishes over Brewer for at least the reasons discussed above.

Regarding the rejection of Claims 5, 6, 8, 9, 11, 13, 14, 16, and 17 as obvious over Brewer, Applicant respectfully submits that as these claims depend, directly or indirectly, from amended Claims 1, 7, or 15, Claims 5, 6, 8, 9, 11, 13, 14, 16, and 17 patentably distinguish over Brewer for at least the same reasons as amended independent Claims 1, 7, or 15.

Regarding the rejection of Claim 15 as anticipated by Knight, that rejection is respectfully traversed.

Amended Claim 15 recites, in part, a container, a wall with a first and second side, and an auger with an axis of rotation, wherein “the distance between said axis of rotation and an upper part of said first side of said wall being shorter than the distance between said axis of rotation and an upper part of said second side of said wall as viewed from the direction of travel.” As discussed at page 4, numbered paragraph [0022] of the specification, this arrangement facilitates cutting of feed inside the container.

In contrast, Knight does not disclose an axis of rotation spaced at different distances from an upper part of a first side of a wall and an upper part of a second side of a wall as viewed from a direction of travel. As shown in Figs. 1 and 2, the apparatus described in Knight travels on a pair of wheels (36) and (38) on a frame (34). Therefore, inasmuch as any

direction of travel is described, it is in the direction in which the wheels (36) and (38) roll.

With respect to the distance between the axis of rotation and the walls as viewed in the direction of travel, the auger (24) is described only as having an equal distance between its axis of rotation and each of these walls (See Figs. 2-4, and 9). Nowhere in Knight is the axis of rotation of the auger described as closer to the upper part of one side wall than another as viewed in the direction of travel. Therefore, Knight fails to disclose an auger with an axis of rotation and first and second sides of a wall wherein “the distance between said axis of rotation and an upper part of said first side of said wall being shorter than the distance between said axis of rotation and an upper part of said second side of said wall as viewed from the direction of travel.” Accordingly, Applicant respectfully submits that amended Claim 15 patentably distinguishes over Knight for at least the reasons discussed above.

Newly added Claims 20, 22, and 27 depend, directly or indirectly, from amended Claim 15. Accordingly, Claims 20, 22, and 27 patentably distinguish over the cited references for the same reasons as amended Claim 15, as well as for their own reasons.

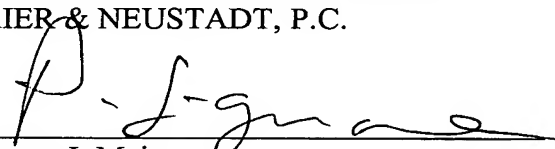
Newly added Claims 21, 23, 24, 25, and 26 depend from Claims 2, 4, 10, 1, and 7, respectively, and patentably distinguish over the cited references for at least the same reasons as the claims from which they depend.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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